

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	MB Docket No. 87-268
)	
Advanced Television Systems and)	
Their Impact Upon the Existing)	
Television Broadcast Service)	

**COMMENTS OF CHRISTIAN WORLDVIEW BROADCASTING
CORPORATION**

Christian Worldview Broadcasting Corporation ("CWBC"), permittee of a construction permit for Channel *14 at Memphis, Tennessee, hereby submits these comments requesting that the Commission modify the DTV allotment which has been proposed in the Commission's Seventh Further Notice of Proposed Rulemaking ("SFNPRM") with respect to CWBC's construction permit (i.e., concerning the proposed DTV Table of Allotments).

A. Background

On November 9, 2004, a construction permit for NTSC Channel *14 at Memphis, Tennessee (FCC File Number: BPET-19960405KF; Facility ID Number 81692) was granted by the Commission. On April 14, 2006, CWBC filed an application for modification of the construction permit (See FCC File Number: BMPEDT-20060421ABT) to convert the station to DTV operation and to modify the proposed transmitter site, radiation center and directional antenna horizontal radiation pattern. On August 18, 2006, the Commission granted this modification application. CWBC is

currently constructing this modified facility (i.e., in light of the construction permit's expiration date of November 9, 2007).

As noted in the enclosed engineering narrative, it appears that when the Commission prepared its DTV Table of Allotments specifications shown in Appendix B of the aforementioned SFNPRM, a replication of the original Channel *14 NTSC construction permit (i.e., FCC File Number: BPET-19960405KF) was calculated. As noted hereinbelow, the DTV Table of Allotments should be corrected to reflect the parameters set forth in the modified construction permit (i.e., FCC File Number: BMPEDT-20060421ABT).

Finally, TV Channel 14 generally (and the subject Memphis Channel *14 specifically) is adversely impacted by technical issues in the form of potential interference both caused by, and received from, land mobile operations located on frequencies immediately below Channel 14. As the Commission is aware, in order to implement a Channel 14 facility, substantial out-of-band filtering requirements are required to reduce the potential of interference to local land mobile operations located adjacent to Channel 14. In addition, received interference can be expected by some Channel 14 viewers from land mobile operations. As such, CWBC is herein seeking an alternative DTV channel for its final allotment (i.e., Channel *23 in lieu of Channel *14).

B. Correction of the Channel *14 Parameters

As noted hereinabove, it appears that when the Commission prepared its DTV Table of Allotments specifications shown in Appendix B of the aforementioned SFNPRM, it used the original Channel *14 construction permit (i.e., FCC File Number: BPET-19960405KF) as opposed to that which was subsequently granted by the

Commission (FCC File Number: BMPEDT-20060421ABT). CWBC is currently in the process of building the Channel *14 facilities (as modified) and it is respectfully requested that the DTV Table of Allotments be corrected to reflect the parameters set forth in FCC File Number: BMPEDT-20060421ABT (See attached engineering analysis).

C. Allotment of Channel *23 in Lieu of Channel *14

In light of significant technical issues relating to the current Memphis, Tennessee Channel *14 allotment, it is respectfully requested that the Commission modify CWBC's proposed DTV allotment to Channel *23.¹ As may be noted in the attached engineering analysis, potential interference, both caused and received, from land mobile operations located on frequencies immediately below Channel *14 represent significant real world challenges to operation on Channel *14. To implement a Channel *14 facility, substantial out-of-band filtering requirements are required to reduce the potential of interference into these land mobile operations located adjacent to Channel *14. Received interference to some Channel *14 viewers can also be expected from these nearby land mobile operations.

¹ It should be noted that, given the FCC's August, 2004 freeze on DTV applications and rulemakings (and the subsequent post-freeze grant of the Channel *14 construction permit in November, 2004 – without a “paired channel”), CWBC hasn't procedurally been able to seek the suggested allotment change until the comment period established in the SFNPRM. As noted in Paragraphs 5 and 6 of the SFNPRM, the subject request is procedurally appropriate at this time since “[t]he channel election process was designed to be carried out in seven steps, culminating in this rulemaking [the SFNPRM], the seventh and final step” and “the final channel allotments can be established only through a rulemaking proceeding [such as the SPNPRM]”.

The Channel *23 allotment at Memphis, Tennessee can be allocated without causing prohibited interference to any full-service or Class A television facility. Moreover, except for the channel change, the proposed parameters (including transmitter site location) for the *23 allotment would be identical to those set forth in CWBC's current construction permit for Channel *14 (i.e., FCC File Number: BMPEDT-20060421ABT).

As noted hereinabove, CWBC believes that the proposed channel change is ripe for consideration by the Commission at this time since, consistent with the requirements of Paragraph 25 of the SFNPRM, CWBC should be considered either (a) a licensee/permittee "unable to construct full, authorized DTV facilities" (i.e., due to the technical impairment of Channel 14) or (b) a new licensee/permittee which will (without substantial cost and technical correction) cause interference to existing licensees (i.e., in this case, land mobile operators).² Further, the Commission stated in Paragraph 27 that "we may grant waivers on a case-by-case basis in response to requests for alternative channel assignments".³ Should the Commission determine that CWBC's channel change request is not eligible for consideration under Paragraph 25 of the

² The interference concerns of Channel 14 stations are analogous to those faced by Channel 6 stations. As reflected in Paragraph 46 of the SFNPRM, the Commission has long recognized interference concerns of Channel 6 licensees (and impacted FM stations). In the interest of the promoting overall spectrum efficiency and ensuring the best possible DTV service to the public, the Commission has long made it a top priority to consider channel change requests in instances where interference issues are involved (i.e., such as in the case of Channel 6 and Channel 14 stations).

³ As the Commission noted in Footnote 58 to the SFNPRM, "[i]t is well settled that the Commission has discretion to waive a rule where 'particular facts would make strict compliance with the rule inconsistent with the public interest' and 'special circumstances warrant a deviation from the general rule'." See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

SFNPRM, it is respectfully requested that the Commission waive its rules and procedures set forth in the SFNPRM (i.e., consistent with Paragraph 27 thereof) and consider the subject channel change request on a waiver basis.⁴

D. Conclusion

As an initial matter, the DTV Table of Allotments with respect to CWBC's currently authorized Memphis, Tennessee Channel *14 construction permit should be corrected to reflect the parameters set forth therein (See FCC File Number: BMPEDT-20060421ABT).

Second, it is respectfully submitted that the public interest would be served by substituting Channel *23 for the current Channel *14 at Memphis, Tennessee (which, as demonstrated herein, can be effectuated without causing prohibited interference to any full-service or Class A television facility). While it is possible to construct Memphis, Tennessee Channel *14 (which CWBC is indeed in the process of doing) notwithstanding the real world technical challenges relating to land mobile operations located on frequencies immediately below Channel *14, significant expenses and potential disruption to both land mobile users and Channel *14 viewers will be eliminated should the Commission grant the proposed change from Channel *14 to Channel *23. Again, given (a) the relatively recent grant date of the underlying Channel

⁴ Authority for the Commission action requested herein may also be found in Paragraph 52 of the SFNPRM. Therein, the Commission noted that in situations where interference is a concern or where the post-transition channel can be expected to be problematic, channel relocation requests would be considered by the Commission. Implicit in Paragraph 52 is the recognition that new licensees/permittees such as CWBC have not had the same opportunities as other licensees (i.e., with paired channels) to address post-transition channel issues.

*14 construction permit (as well as the Commission's DTV freeze) and (b) the unavailability (from a procedural perspective) of an allocated "paired" channel to designate as a post-transition channel, both the Commission and CWBC have been limited (until the issuance of the SFNPRM) as to how and when to procedurally address the underlying technical issues and the post-transition realities for Memphis, Tennessee Channel *14 (i.e., proposed Channel *23). It is respectfully submitted that grant of the subject request would not only be in the interest of the public, land mobile licensees and CWBC but more broadly, would be consistent with the Commission's stated goal of promoting overall spectrum efficiency and ensuring the best possible DTV service to the public.

Wherefore, based on the foregoing, it is respectfully requested that the Commission (a) correct the DTV Table of Allotments to reflect the construction permit parameters set forth in FCC File Number BMPEDT-20060421ABT and (b) substitute Channel *23 for the current Channel *14 at Memphis, Tennessee in the final DTV Table of Allotments.

Respectfully submitted,

**CHRISTIAN WORLDVIEW
BROADCASTING CORPORATION**

/s/

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TECHNICAL EXHIBIT
IN SUPPORT OF COMMENTS IN MB DOCKET NO. 87-268
ADVANCED TELEVISION SYSTEMS AND THEIR IMPACT UPON THE
EXISTING TELEVISION BROADCAST SERVICE
CHRISTIAN WORLDVIEW BROADCASTING CORPORATION

Technical Exhibit

This technical exhibit was prepared in support of the comments of Christian Worldview Broadcasting Corporation (herein "CWBC"), permittee for a new Channel *14 television station assigned to Memphis, Tennessee, in MB Docket 87-268, Seventh Further Notice of Proposed Rule Making (herein "SFNPRM") in the Matter of *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*. CWBC requests that the Commission (a) correct the proposed Channel *14 DTV Table of Allotments specifications and (b) modify the allotment to Channel *23 due to technical issues relating to the Channel *14 allotments.

Modified Channel *14 Table of Allotment Parameters

It is requested that the Commission modify the proposed Appendix B DTV Table of Allotments specifications to the following:

Facility ID	State & City		NTSC	DTV								
			Chan	Chan	ERP (kW)	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	Percent IX Received
81692	TN	MEMPHIS	---	*14	20	240	72664	351234	0894901	9184	1157	0.0

It appears that when the Commission prepared its DTV Table of Allotments specifications shown in Appendix B of the aforementioned SFNPRM, a replication of the Channel *14 NTSC construction permit (See FCC File Number: BPET-19960405KF) was calculated. However, CWBC on April 14, 2006 filed an application for modification of construction permit (See FCC File Number: BMPEDT-20060421ABT) to convert the station to DTV operation and to modify the proposed transmitter site, radiation center and directional antenna horizontal radiation pattern. The Commission on August 18, 2006 granted this modification application. The applicant is in the process of constructing this facility prior to the expiration of the construction permit on November 9, 2007.

Therefore, the herein proposed allotment specifications are identical to those authorized in BMPEDT-20060421ABT.

It is noted that the noise-limited contour of the herein proposed DTV allotment does NOT extend beyond the noise-limited contour of the presently proposed Appendix B DTV allotment. Therefore, there is no coverage extension caused by this allotment modification.

It is furthermore noted that the proposed DTV allotment does not create more than 0.1% new interference to other post-transition stations or Class A stations based upon the 2000 Census.

Channel *23 DTV Allotment

Due to technical issues with Channel *14, it is also requested that the Commission modify CWBC's proposed DTV allotment to Channel *23. The technical problem is the potential interference, both caused and received, from land mobile operations located on frequencies immediately below Channel *14. To implement a Channel *14 facility, substantial out-of-band filtering requirements are required to reduce the potential of interference into these land mobile operations located adjacent to Channel *14. Received interference to some Channel *14 viewers will also likely occur from these nearby land mobile operations. Therefore, CWBC is seeking an alternative DTV channel for its final allotment.

As is noted below the *23 allotment at Memphis can be allocated and will not cause prohibited interference to any full-service or Class A television facility.

The interference potential to land mobile stations can be characterized as a technical issue. As an example of a land mobile interference problem, it is observed that when Channel *14 station WRDQ-DT at Orlando, Florida implemented its digital operation, "land mobile stations on frequencies adjacent to Channel 14 reported objectionable interference."¹ WRDQ-DT had to install substantial transmitter output filters to reduce the objectionable interference to these land mobile operations.

The Commission has also spent considerable effort in reducing the impact to land mobile operations from DTV allotments as discussed within the Sixth Report and Order in MM Docket 87-268, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*. Within the Report, the Commission noted that Motorola stated ". . . a minimum 30 dB of additional attenuation in the DTV emissions mask is needed to minimize the potential for adjacent channel interference to land mobile services from short-spaced DTV allotments." Motorola further notes that ". . . even greatly reduced DTV emissions will not eliminate adjacent channel interference close to (i.e., within 10 miles) a DTV transmitter nor would it address the potential for land mobile interference to DTV receivers."

Therefore, CWBC is seeking to modify its final DTV allotment from Channel *14 to Channel *23 in order to avoid having long-term interference problems both to and from land mobile operations.

¹ See letter to WFTV-TV Holdings, Inc., October 6, 2003, DA 03-3038.

Channel *23 is therefore proposed in lieu of Channel *14 with the following parameters:

Facility ID	State & City		NTSC	DTV								
			Chan	Chan	ERP (kW)	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	Percent IX Received
81692	TN	MEMPHIS	---	*23	20	240	72664	351234	0894901	8840	1149	0%

It is noted that the noise-limited contour of this herein proposed Channel *23 DTV allotment does NOT extend beyond the noise-limited contour of the presently proposed *Appendix B* DTV allotment. Therefore, there is no coverage extension caused by this allotment modification. It is furthermore noted that the proposed Channel *23 DTV allotment does not create more than 0.1% new interference to other post-transition stations based upon the 2000 Census.

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